

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TORRI LAMAN BERRY,

Petitioner,

Case No. 1:09-cv-4

v.

HONORABLE PAUL L. MALONEY

MARY BERGHUIS,

Respondent.

\_\_\_\_\_ /

**ORDER ADOPTING MAGISTRATE JUDGE'S**  
**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation (Dkt. #19) filed by United States Magistrate Judge Joseph G. Scoville in this action. The Report and Recommendation was duly served on the parties. No objections have been filed. The Court notes the petitioner filed a notice of appeal on May 9, 2011 (Dkt. #20). However, a notice of appeal does not constitute an objection to the conclusions drawn by the magistrate judge in the Report and Recommendation.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

**THEREFORE, IT IS ORDERED** that the habeas corpus petition is **DENIED** for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

**This action is terminated.**

Date: May 11, 2011

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/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge